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PATENT

Attorney Docket: P05569US2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK et al.  
SERIAL NO : 09/770,564  
FILED : January 26, 2001  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, MEDINA AHMED  
Conf. No. : 8512  
Docket No. : P05569US2 - PHI 0875C

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

The owners, Pioneer Hi-Bred, International, Inc. and CuraGen Corporation, each of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,211,434. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

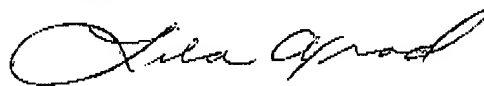
In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Applicants request that the fee in the amount of \$110.00 for a terminal disclaimer under 37 C.F.R. § 1.20(d) be charged to Deposit Account number 26-0084. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



Lila A. T. Akrad, Reg. No. 52,550  
McKEE, VOORHEES, & SEASE  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
**CUSTOMER NO: 27142**

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Attorneys of Record